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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,358	01/22/2001	Kenichi Ishii	P/1905-98	5153

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OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
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NG, CHRISTINE Y

ART UNIT	PAPER NUMBER
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2663

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DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/744,358

Applicant(s)

ISHII ET AL.

Examiner

Christine Ng

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 2, 4 and 7-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5 &amp; 6</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the self-station" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,715,295 to Yamashita.

Referring to claim 1, Yamashita disclose in Figure 3 a radio communication apparatus in a radio packet communication system constituted by a plurality of radio stations (originating mobile station 4a and destination mobile station 4b) and having a plurality of radio channels. Refer to Column 1, lines 41-45 and Column 15, lines 54-59. The apparatus comprises:

Means (Figure 9a) for registering a radio channel (channels 5, 6 or 7) used by a remote radio station (Element 4b). The originating mobile station 4a and destination mobile station register into their memories (Figure 9a) the radio channels (channels 5, 6 or 7) utilized for communication between each other. Refer to Column 17, lines 27-37.

Means (Figure 1, Element 4a-1) for selecting a radio channel (channels 5, 6 or 7) that is registered (in Figure 9a) and used by a destination radio station (Element 4b) for a packet to be transmitted. "The carrier selecting means 4a-1 selects some carriers as candidates based on information regarding the destination mobile station 4b to retrieve a vacant channel among carriers" (Column 16, lines 6-9). Refer to Column 16, lines 42-53 and Figure 3, steps 1-2.

Means (Figure 2, Elements 26 and 28) for transmitting/receiving the packet by using the selected radio channel (channels 5, 6 or 7). After the destination mobile station 4b detects the channel selected by the originating mobile station 4a, a calling operation is performed via the selected channel. Refer to Column 17, lines 1-4 and Figure 3, step 3.

Wherein if the radio channel (channels 5, 6 or 7) used by the destination radio station (Element 4b) for the packet to be transmitted is registered (in Element 9a), the packet is transmitted by using the radio channel used by the destination radio station (Element 4b). The originating mobile station 4a registers into its memory (Figure 9a) the radio channels utilized for communication between itself and the destination mobile station 4b and selects one for communication. Refer to Column 17, lines 27-67 and Figure 3.

Referring to claim 5, Yamashita disclose that the system comprises means (Figure 2, Elements 17 and 19) for searching for a radio channel (channels 5, 6 or 7) used by a destination radio station (Element 4b) and registering the found radio channel (channels 5, 6 or 7). The main control unit 17 and memory 19 forms the carrier selecting means to retrieve a vacant channel among the carriers used by the destination mobile station 4a, which are then registered into memory 19. Refer to Column 16, lines 1-9 and Column 17, lines 27-32.

Referring to claim 6, Yamashita disclose that the means (Figure 2, Elements 17 and 19) for searching for the radio channel (channels 5, 6 or 7) and registering the found radio channel (channels 5, 6 or 7) searches a radio channel by transmitting/receiving a control packet (synchronous operation and ringing tone) at the time of a radio channel search. "When the destination mobile station 4b detects an incoming carrier to itself, the synchronous operation is performed to sound a ringing tone", and then "the destination side performs a response operation to start a telephone call" (Column 16, lines 51-55).

***Allowable Subject Matter***

5. Claims 2, 4 and 7-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

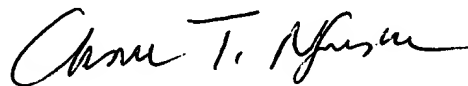
**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (703) 305-8395. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Chau can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng  
May 18, 2004



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600